

RECEIVED #71008  
APR 19 2001  
TECH CENTER 1600/2900  
RECEIVED  
4120133

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Sim, Gek-Kee  
Yang, Shumin  
Dreitz, Matthew J.  
Wonderling, Ramani S.



) Group Art-Unit: 1633

) Examiner: Kaushal, S.

APR 19 2001

TECH CENTER 1600/2900

) RESPONSE TO RESTRICTION  
) REQUIREMENT

Serial No.: 09/451,527

Filed: December 1, 1999

Atty. File No.: IM-2-C2

For: "CANINE AND FELINE  
IMMUNOREGULATORY PROTEINS,  
NUCLEIC ACID MOLECULES, AND  
USES THEREOF"

CERTIFICATE OF MAILING
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON THIS <u>13</u> DAY OF APRIL 2001.
HESKA CORPORATION
By: <u>Susan Gordon</u> Susan Gordon

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

12-13 In response to the Restriction Requirement dated March 13, 2001, Applicants hereby elect Group 20, without traverse. Applicants respectfully submit that Group 20 should include Claim 21 as well as cited Claims 18, 19, 23, 24, 26-28.

Applicants reserve the right to traverse restrictions between the remaining Groups in subsequent divisional applications. Applicants also reserve the right to file a divisional application relating to these claims without the necessity of filing a terminal disclaimer.

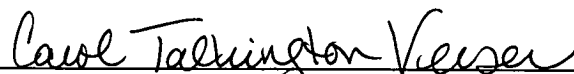
In any event, if the elected claims of Group 20 are allowable, Applicants reserve their right to amend the claims of Group 53, which Applicants submit should include Claim 32 rather than Claim 30, to be commensurate in scope with the product claims of Group 20, and to request that the claims of Group 53 that depend from or otherwise include all the limitations of the

allowable product be rejoined and examined for patentability. *In re Brouwer*, 37 USPQ2d 1663 (Fed. Cir. 1996); *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995).

Should any fees be due with the filing of this paper, please charge deposit account  
No. 081930.

Respectfully submitted,

Dated: April 13, 2001

  
\_\_\_\_\_  
Carol Talkington Verser, Ph.D.  
Registration No. 37,459  
Heska Corporation  
1613 Prospect Parkway  
Fort Collins, Colorado 80525  
Telephone: (970) 493-7272  
Facsimile: (970) 491-9976